

**CARNEYS POINT TOWNSHIP MEETING
REGULAR MEETING MINUTES
JANUARY 15, 2014**

The Regular Meeting of the Township Committee was held on the above date at the time of 6:00 p.m. Committeemen Pelura, Brown, Dowe, Newton, and Gatanis were present. Also present at this meeting were M. Stout-CMFO/Administrator, J. Proffitt-Clerk, G. Gilbert-Public Works, and A. Rhea Solicitor.

Mayor Gatanis called the meeting to order and read the **Open Public Meeting Act**. He led the **Pledge of Allegiance to the Flag**. **Roll call** was taken.

Motion that **all properly audited vouchers be paid** was made by Mr. Newton, seconded by Mr. Brown and all were in favor.

Under **Consent Agenda** a motion was made by Mr. Brown, seconded by Mr. Newton to accept **Monthly Committee Reports from December 2013**. All were in favor.

Mr. Brown motioned to approve the **Administrative Comp. Time Report**, seconded by Mr. Newton and all were in favor.

Mr. Brown motioned to approve the **Minutes from the regular Committee meeting held on December 18, 2013**. Seconded by Mr. Newton and all were in favor except Mr. Dowe who abstained. Motion was made by Mr. Brown, seconded by Mr. Newton to approve **the minutes from the Annual Reorganization meeting held on January 2, 2014**, and all were in favor.

Under **Applications** Mayor Gatanis mentioned **two Raffle Applications** for Penns Grove HS Project Graduation to hold a 50/50 and a Chinese Auction on February 7th at the Sakima Country Club. Motion to approve was made by Mr. Brown, seconded by Mr. Newton and all were in favor. **Educational Enhancement** for Eric Cline and Paul Mulbier to attend Incident Command Level 1 on January 9th at a cost of \$60 per person. There was a question on the date in which Ms. Proffitt said the form came in on time but there was no business conducted at the Annual Reorg. meeting. This is the first meeting since receiving the request. Mr. Pelura asked did they attend. Mr. Pelura motioned to approve with proof of attendance, seconded by Mr. Newton and all were in favor. **Educational Enhancements** for Ryan Morris and Bryan Master to attend Fire Fighter 1 at Camden County Fire School on January 20th to March at a cost of \$200 each. Motion was made by Mr. Pelura, seconded by Mr. Brown and all were in favor. Lastly, an **Educational Enhancement** for Annmarie Brown Court Administrator to attend the AOC Mediation Training on February 7th at no cost to the Township. Mr. Brown motioned, seconded by Mr. Newton all were in favor.

RESOLUTION 2014-31

REQUEST PAVING OF PART OF GOLFWOOD AVE.

Mr. Brown made a motion to authorize the Mayor to sign the request to the County for paving part of Golfwood Ave. between Hollywood Ave. and Georgetown Road. Motioned seconded by Mr. Newton. Mr. Pelura asked about storm drains in the resolution. He said it would be better to request storm drains before paving is done. Mr. Pelura motioned to amend the resolution to add storm drains be placed in this section of the road before paving is done, seconded by Mr. Brown and a unanimous vote was taken.

Mayor Gatanis made three Mayoral Appointments: Alternate #1 on the Recreation Commission is Teresa Walker. Alternate #2 on the Recreational Commission is Angela Gross. Lastly, Mayor Gatanis appointed Marcus Dowe, Sr. to the Planning Board as Alternate #1 which is an unexpired term ending December 31, 2014. Mr. Pelura mentioned the two ladies appointed to the Rec. Commission were at an event at the Riversbend Apts. They since then have attended all the Recreation events. He said it is nice to see them appointed.

Mayor Gatanis moved on to first readings of ordinances.

ORDINANCE 886

AN ORDINANCE AMENDING CHAPTER 157 OF THE CARNEYS POINT TOWNSHIP CODE, PEDDLERS AND SOLICITORS, TO CLARIFY APPLICATION PROCEDURES AND TO ADD A FEE FOR THE APPLICATIONS OF RESIDENT FARMERS FOR OFF-SITE SALES. Motion was made by Mr. Newton to introduce the ordinance, seconded by Mr. Brown. A unanimous roll call vote was taken.

ORDINANCE 887

AN ORDINANCE AMENDING CHAPTER 72 OF THE CARNEYS POINT TOWNSHIP CODE, CONSTRUCTION CODES, UNIFORM, TO ADD A PROVISION GOVERNING CERTIFICATES OF CONTINUED OCCUPANCY. Motion to introduce was made by Mr. Newton, seconded by Mr. Brown and a unanimous roll call vote was taken.

ORDINANCE 888

AN ORDINANCE AMENDING CHAPTER 94 OF THE CARNEYS POINT TOWNSHIP CODE, FENCES, TO TRANSFER DUTIES TO THE CONSTRUCTION CODE OFFICIAL TO THE ZONING OFFICER. Motion to introduce was made by Mr. Newton, seconded by Mr. Brown and a unanimous vote was taken.

ORDINANCE 889

AN ORDINANCE AMENDING CHAPTER 169 OF THE CARNEYS POINT TOWNSHIP CODE, SALES, TO TRANSFER DUTIES OF THE CONSTRUCTION CODE OFFICIAL TO THE ZONING OFFICER. Motion to introduce was made by Mr. Brown, seconded by Mr. Newton and a unanimous vote was taken.

ORDINANCE 890

CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) Motion to introduce was made by Mr. Brown, seconded by Mr. Newton and a unanimous vote was taken.

Under **Correspondence** Mayor Gatanis mentioned a letter from the Recreation Commission requesting to make the Rec. Complex and Dunns Park “No Smoking Zones”. Mr. Dowe made a motion to authorize the Solicitor to prepare an ordinance for the No Smoking Zone, seconded by Mr. Brown and all were in favor.

Mayor Gatanis said a letter was received for the Township to appoint someone to the Salem County Advisory Solid Waste Council. Motion by Mr. Newton to appoint Mr. Gilbert, seconded by Mr. Brown and all were in favor. Mayor Gatanis congratulated Mr. Gilbert on the appointment. The Clerk will notify the Salem County Board of Chosen Freeholders.

Old Business: Mayor Gatanis mentioned the Free Rabies Clinic on Saturday, January 18th at the Fire House from 9 am to 11:00 am with dogs from 9-10:30 and cats 10:30 -11. Mr. Pelura said licenses will be issued to residents.

New Business, Mayor Gatanis said there was a letter from Vince Gioa of the Rec. Commission requesting to use the Municipal Courtroom on Saturday, February 22nd from 9 to noon and February 27th from 6-8 pm for Little League registrations. Mr. Pelura mentioned Mr. Gioa has both keys to the building and lights. Mr. Brown asked if there is any conflict with these dates. Clerk Proffitt said no. Motion to allow for the use of the building was made by Mr. Pelura, seconded by Mr. Newton and all were in favor.

Jim Sassi addressed the Committee on supporting the Natural Resources Conservation Service (NRCS). Mr. Sassi said this has to do with soil typing in Salem County. He said this also helps when a farm goes into farmland preservation. Ms. Rhea asked if this involved any financial support. Mr. Sassi said no. Mr. Pelura mentioned that Mr. Sassi is not here representing the Planning Board. Motion to authorize the Mayor to sign the letter was made by Mr. Pelura, seconded by Mr. Brown and all were in favor.

Mayor Gatanis then mentioned a request for farmland preservation. Mr. Pelura said it is a notification they are applying for farmland preservation. Motion was made by Mr. Newton, seconded by Mr. Brown to authorize the Mayor to sign the notification. All were in favor.

Mayor Gatanis appointed a sub-committee to review the bid specifications for the Ambulance Service. He said Himself; Mr. Newton, Mrs. Stout, Ms. Rhea and Fire Chief Ted Stranahan will be on the Sub-Committee.

Mayor Gatanis said the Sewerage Authority is requesting payment for half of a bill for road repair. He said it was a sink hole on Gary Ave. and Howard St. Motion to authorize the payment of half the bill was made by Mr. Brown, seconded by Mr. Newton and all were in favor. Mrs. Stout mentioned the energy plan we currently have expires in March. Mrs. Stout said he has not had time to review this information so is requesting the Committee to look it over for the next meeting. Mrs. Stout said she will bring numbers for the Committee to compare.

Mayor Gatanis moved on to **Public Participation:** Martin Cleary of Broadway commented on the proposed ordinance on “No Smoking at the Rec. Complex”. He said he can understand in buildings but this is open air and does not feel this should be done.

With no more public questions or comments this portion was closed.

RESOLUTION 2014-32
EXECUTIVE SESSION

Mr. Brown motioned to convene into Executive Session, seconded by Mr. Newton and unanimous vote was taken. The regular meeting ended at 6:32 pm.

A motion was made by Mr. Brown to reconvene in regular session, seconded by Mr. Newton and all was in favor. The regular meeting reconvened at 8:31 pm.

Mr. Dowe mentioned an e-mail he received about a resolution. The Mayor said to send it to the Clerk and she will forward it to the whole Committee for discussion at the next meeting.

With no further business to discuss, a motion was made by Mr. Brown to adjourn and seconded by Mr. Dowe. Motion passed with five affirmative votes. Meeting adjourned at 8:35 p.m.

Approved: _____

June Proffitt, Municipal Clerk

**CARNEYS POINT TOWNSHIP
EXECUTIVE SESSION
JANUARY 15, 2014**

The Executive Session of the Township Committee meeting was held at 6:45 PM on the above date with Committeemen Pelura, Brown, Dowe, Newton, and Gatanis present. Also present were M. Stout- CMFO/Administrator, J. Proffitt- Clerk, A. Rhea-Solicitor.

Attorneys Michael Jedziniak and Allen Zeller were in attendance.

Michael Jedziniak

Introduced himself to the Committee then reviewed in detail what is Mount Laurel obligations and Affordable Housing Plan. He said every Municipality has to provide Affordable Housing and Carneys Point made every attempt to comply. He mentioned the Frangible Disk site and the development of a four-story building consisting of 88 affordable units. To bring everyone up to speed he discussed the Builders Remedy lawsuit filed by Tri-County. Mr. Jedziniak said the Township prevailed in every motion. He mentioned that Mr. Zeller represented the Township in the non-Mount Laurel counts of the lawsuit at the same time.

The Township in 2012 negotiated a Redevelopers Agreement with Tri-County for the Frangible Disk site. This was to be a 60 unit affordable housing plan. Tri-County agreed to pay the Township \$250,000 upon certain events to cover the Township's litigation costs. Tri-County went to the Planning Board and received approval. Penns Grove Associates then filed suit against the Township based on the approval of the Planning Board giving site plan approval to Tri-County. These charges were dismissed in court. Now to the present, Mr. Jedziniak said the Supreme Court ordered COAH to adopt new 3rd Round regulations which they have not done so far. This could expose towns under COAH jurisdiction to builder's remedy litigation. With all said and history, he recommended: first, we take action necessary to support the Tri-County development as part of the Township's affordable housing plan. Second, he is recommending the Township hire a planner with COAH experience and last to reconstitute the Mount Laurel Subcommittee.

Mayor Gatanis asked what is the number that is needed for COAH obligations. Mr. Jedziniak said he did not want to guess and would e-mail the exact number to the Mayor. Mr. Brown asked if FEMA has affected development in any way. Mr. Jedziniak said he is not sure yet, may just make less developmental land.

Allen Zeller

Introduced himself than moved on to discuss Tri-County and the Township's past relationship. In the end the Township negotiated to enter into a Redeveloper's Agreement with Tri-County. Negotiations broke down and Tri-County filed a Builder's Remedy lawsuit. He said in early 2012 all counts of the suit were dismissed by Judge Anne McDonnell. Tri-County filed an appeal which was also dismissed that same year. It was agreed between Tri-County and the Township that they would reinstitute negotiations for a Redevelopment Agreement for the Frangible Disk site. This time successful along with Tri-County reimbursing the Township for up to \$250,000 for professional and legal fees associated with the litigation once certain events took place. Everything was moving

forward and Tri-County went to the Planning Board for site plan approval. Just prior the Attorney for Penns Grove Associates wrote a letter to the Planning Board stating they objected the project. Mr. Zeller said the Planning Board did approve the site plan and Penns Grove Associates files suit against the Township. On November 7, 2013 the judge rejected all the charges and now Penns Grove Associates are appealing. Mr. Zeller said Tri-County filed papers to disregard decision and the Township needs to decide what they would like to do. Mayor Gatanis asked when will this the legal suit stop. Mr. Zeller said he cannot say. Mayor Gatanis had questions on the MOU and PILOT agreement. Mr. Pelura said this project will give the Township COAH obligations. Mr. Zeller also mentioned development in a redevelopment area of town. Mayor Gatanis asked if this MOU can be used on another site. Mr. Zeller said no, would have to be a new agreement. Mr. Zeller said if the Township is not successful in the suit they could lose affordable housing credits along with the \$250,000. Mr. Zeller said this appeal could take between one to eighteen months to finish.

The Committee discussed different affordable housing credits. Low income, handicapped. Mr. Brown and Mr. Pelura got up to leave the meeting. Mr. Pelura mentioned conflict and reasons. He asked if a political contribution from Penns Grove Associates would be reason to be in conflict. Mr. Zeller read from a letter Mr. Dennis sent for the same thing. He said an analysis would have to be done but did not feel would be. Mayor Gatanis said he is concerned because of the cost to defend. Mr. Brown agreed. Mr. Zeller said he would do a proposal of cost. Mr. Brown and Pelura both left the meeting at 8:08 p.m. The discussion continued for a time longer with the remaining Committeeman. Ms. Rhea explained the appeal process and cost was discussed. The members in conflict returned at 8:15 with Mr. Zeller and Mr. Jedziniak leaving the meeting.

Mr. Newton

Mentioned wanting to give Kim Minguez, Zoning Officer a pay increase due to higher work load in the office. She handed in a resignation last year then rescinded it. He said he phoned other townships and their Zoning Officers get much more. She feels she is under paid for what she is doing also the Construction Official is now part time leaving her alone in the office. Mr. Brown said this needs to be justified by facts. Bring back next meeting with facts.

No further discussion; **motion** was made by Mr. Brown, seconded by Mr. Newton to go back to Public Session. Executive session ended at 8:31 PM.

Approved: _____

June Proffitt, Municipal Clerk